

NO. 14

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009**

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**THURSDAY, FEBRUARY 5, 2009**  
**(STATEWIDE SESSION)**

**Thursday, February 5, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Deuteronomy 18:21: "You may say to yourselves, how can we know when a message has been spoken by the Lord?"

Let us pray. Almighty God and Father, open our ears and our hearts to hear what Your message is to us who sit in these Halls of Government and make decisions that affect people of this State. Bind us together into one body that gives our very best in the duties assigned us. Keep us in Your love and care as individuals and as a body. Bestow Your blessing upon our Nation, President, State, Governor, Speaker, and all who serve here in this place. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. COBB-HUNTER moved that when the House adjourns, it adjourn in memory of Austin Cunningham of Orangeburg, which was agreed to.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4042

Agency: Department of Natural Resources

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Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210  
Seasons, Bag Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas; Use of Fertility Control or Other Chemical Substances in Wildlife  
Received by Speaker of the House of Representatives  
February 4, 2009  
Referred to Agriculture, Natural Resources and Environmental Affairs Committee  
Legislative Review Expiration June 4, 2009

**REPORT OF STANDING COMMITTEE**

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3222 -- Reps. Bedingfield, Gullick, Erickson, Crawford, Duncan, Allison, Ballentine, Cato, Forrester, Hamilton, Harrell, Harrison, Horne, Kelly, Littlejohn, Millwood, Nanney, E. H. Pitts, M. A. Pitts, Rice, D. C. Smith, G. R. Smith, J. R. Smith, Stringer, Wylie, A. D. Young, T. R. Young, Daning and Owens: A CONCURRENT RESOLUTION MEMORIALIZING THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO OPPOSE LEGISLATION THAT DISENFRANCHISES SOUTH CAROLINA WORKERS BY REMOVING THEIR RIGHT TO A PRIVATE BALLOT UNION ELECTION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3443 -- Reps. Delleney, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long,

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Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE MRS. CLOVER HOLLY GATLING WOLF, OF LEXINGTON COUNTY, ON THE OCCASION OF HER NINETY-FIFTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3444 -- Reps. Crawford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO COMMEND MAJOR EDDIE C. JOHNSON, OF SUMTER COUNTY, FOR AN OUTSTANDING CAREER WITH THE SOUTH CAROLINA HIGHWAY PATROL AND FOR HIS OTHER CONTRIBUTIONS TO THIS STATE AND NATION UPON THE OCCASION OF HIS RETIREMENT FROM THE HIGHWAY PATROL AFTER

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TWENTY-NINE YEARS OF DISTINGUISHED SERVICE, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3445 -- Reps. Clyburn, Sellers, Brantley, Frye, Allen, Allison, Anderson, R. L. Brown, Cobb-Hunter, Daning, Dillard, Hosey, Howard, Hutto, Limehouse, Moss, J. H. Neal, Parker, Rice and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OR OCCUPANT OF A MOTOR VEHICLE TO SMOKE A TOBACCO PRODUCT WHILE A CHILD OF PRESCHOOL AGE IS ALSO AN OCCUPANT OF THE MOTOR VEHICLE, AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 3452 -- Reps. Bannister, Bales, Crawford, Limehouse, G. M. Smith and J. E. Smith: A BILL TO AMEND SUBARTICLE 11, ARTICLE 3, CHAPTER 6, TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGULATION OF MANUFACTURERS OF ALCOHOLIC LIQUORS, SO AS TO INCLUDE REGULATION OF MICRO-DISTILLERS OF ALCOHOLIC LIQUORS ON LICENSED PREMISES, TO DEFINE NECESSARY TERMS, TO PROVIDE A BIENNIAL DISTILLERY LICENSE FEE, TO PROVIDE PROCEDURES FOR WHO MAY OBTAIN A LICENSE, TO PROVIDE RESTRICTIONS ON THE LICENSE, TO PROVIDE FOR APPLICATIONS FOR TASTINGS AND LIMITATIONS ON TASTINGS, AND TO PROVIDE A PENALTY FOR PERSONS WHO VIOLATE THE PROVISIONS OF THE SUBARTICLE.

On motion of Rep. BANNISTER, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

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H. 3453 -- Rep. Hiott: A BILL TO AMEND SECTION 56-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HANDWRITTEN AND ELECTRONIC TRAFFIC TICKETS, SO AS TO DELETE THE REQUIREMENTS THAT THE VARIOUS COPIES OF THE TRAFFIC TICKETS BE CERTAIN COLORS.

Referred to Committee on Education and Public Works

H. 3454 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3685 SO AS TO PROVIDE FOR A CREDIT AGAINST THE STATE INCOME TAX UP TO TWO THOUSAND DOLLARS FOR CLOSING COSTS INCURRED IN CONNECTION WITH A PURCHASE MONEY RESIDENTIAL OR COMMERCIAL MORTGAGE OR THE REFINANCING OF A RESIDENTIAL OR COMMERCIAL MORTGAGE, AND TO DEFINE "CLOSING COSTS".

Referred to Committee on Ways and Means

H. 3455 -- Reps. Erickson, Jefferson, Spires, Haley, Bowen, Herbkersman, Horne and A. D. Young: A BILL TO AMEND SECTION 40-51-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN CONNECTION WITH THE LICENSURE AND REGULATION OF PODIATRISTS, SO AS TO REVISE THE DEFINITION OF "PODIATRY" AND TO DEFINE "PODIATRIC PHYSICIAN"; AND BY ADDING SECTION 40-51-210 SO AS TO REQUIRE THAT SOFT TISSUE ANKLE STRUCTURES AND ANKLE SURGERIES TO BE PERFORMED IN A HOSPITAL OR AN AMBULATORY SURGICAL CENTER, TO REQUIRE HEALTH FACILITIES TO ALLOW A PODIATRIC PHYSICIAN TO PRACTICE CLINICAL AND SURGICAL PRIVILEGES IN THE FACILITY WITHIN THE SCOPE OF THE PHYSICIAN'S LICENSURE AND COMPETENCE, AND TO PROHIBIT DISCRIMINATION BETWEEN PERSONS WITH DIFFERENT MEDICAL DEGREES IF THE PERSONS ARE AUTHORIZED TO PERFORM THE SAME HEALTH SERVICE.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3456 -- Rep. Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-

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13-115 SO AS TO PROVIDE THAT A COMPENSATION PACKAGE OFFERED TO A SCHOOL DISTRICT SUPERINTENDENT MAY NOT EXCEED NINETY FIVE PERCENT OF THE SALARY OF THE STATE SUPERINTENDENT OF EDUCATION, THAT A COMPENSATION PACKAGE OFFERED TO A DISTRICT ADMINISTRATIVE EMPLOYEE MAY NOT EXCEED NINETY FIVE PERCENT OF THE SALARY OF THE SCHOOL DISTRICT SUPERINTENDENT, THAT A COMPENSATION PACKAGE OFFERED TO A SCHOOL PRINCIPAL MAY NOT EXCEED NINETY FIVE PERCENT OF THE SALARY OF A DISTRICT ADMINISTRATIVE EMPLOYEE, AND THAT A COMPENSATION PACKAGE OFFERED TO A SCHOOL ADMINISTRATOR MAY NOT EXCEED NINETY FIVE PERCENT OF THE SALARY OF A SCHOOL PRINCIPAL, TO PROVIDE THAT INCREASES IN THESE COMPENSATION PACKAGES MUST BE APPROVED BY THE QUALIFIED ELECTORS OF A DISTRICT BY REFERENDUM DURING A SPECIAL ELECTION, AND TO DEFINE CERTAIN TERMS.

Referred to Committee on Ways and Means

H. 3457 -- Reps. Ott, Govan, Cobb-Hunter and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 24 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE ORANGEBURG-CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

On motion of Rep. OTT, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3458 -- Reps. Millwood, Duncan, Huggins, Merrill, Erickson, Bowen, Haley, Stringer, Crawford, Ballentine, Viers, Owens, G. R. Smith, Spires, Pinson, J. R. Smith, Cato, Frye, Toole, Bannister, Bingham, Bowers, Clemmons, Daning, Hamilton, Hearn, Long, Nanney, E. H. Pitts, M. A. Pitts, Rice, Scott, Sottile, Umphlett, Willis, Wylie and T. R. Young: A JOINT RESOLUTION TO PROVIDE THAT THE STATE BUDGET AND CONTROL BOARD SHALL ENGAGE A QUALIFIED INDEPENDENT AUDITING AND CONSULTING FIRM TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE DEPARTMENT OF EDUCATION AND ANY OTHER RELATED ENTITIES IT CONSIDERS NECESSARY INCLUDING A REVIEW OF SCHOOL

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DISTRICT RECORDS IN ORDER TO PERFORM A COMPREHENSIVE ANALYSIS OF THE STATE BUDGETARY PROCESS IN REGARD TO EDUCATION FUNDING AND THE MANNER IN WHICH EDUCATION SERVICES ARE DELIVERED FOR THE PURPOSE OF REDUCING WASTE AND DUPLICATION WITHIN THIS SYSTEM AND MAKING IT AS FISCALLY EFFECTIVE AS POSSIBLE.

Referred to Committee on Ways and Means

H. 3459 -- Rep. White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES TO SUSPEND THE ENFORCEMENT OF CERTAIN CHILDCARE CENTER STAFF-CHILD RATIO REGULATIONS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3460 -- Rep. Bales: A BILL TO AMEND SECTION 4-8-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZATION TO CREATE A CONSOLIDATED GOVERNMENT CHARTER COMMISSION, SO AS TO CHANGE THE MANNER AND PROCEDURE FOR AUTHORIZING THE CREATION OF A CHARTER COMMISSION BY ACTION OF THE MUNICIPAL AND COUNTY GOVERNING BODIES OR BY A PETITION OF THE QUALIFIED ELECTOR REGISTERED TO VOTE IN THE COUNTY.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3461 -- Reps. Umphlett, Limehouse, Gilliard, Mack, Sottile, Stringer and Wylie: A BILL TO AMEND SECTION 56-1-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES THAT ARE IMPOSED FOR THE OFFENSE OF DRIVING WITHOUT A LICENSE, SO AS TO INCREASE THE PENALTIES FOR THIS OFFENSE, TO ESTABLISH THE CRIMES OF OPERATING A MOTOR VEHICLE WITHOUT A DRIVER'S LICENSE WHEN DEATH OCCURS AND OPERATING A MOTOR VEHICLE WITHOUT A DRIVER'S LICENSE WHEN SERIOUS IMPAIRMENT OF A BODILY FUNCTION OF ANOTHER PERSON OCCURS, TO PROVIDE PENALTIES FOR BOTH OFFENSES, AND TO PROVIDE THAT A CONVICTION UNDER THIS SECTION DOES NOT BAR A CONVICTION FOR



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ANOTHER OFFENSE FOR THE SAME UNLAWFUL ACT; AND TO AMEND SECTION 56-1-480, RELATING TO AUTHORIZING OR KNOWINGLY PERMITTING A PERSON WHO IS NOT AUTHORIZED TO OPERATE A VEHICLE, SO AS TO PROVIDE PENALTIES FOR THIS OFFENSE, TO ESTABLISH THE CRIMES OF COMMITTING THIS OFFENSE WHEN THE PERSON WHO OPERATES THE VEHICLE ILLEGALLY CAUSES SERIOUS IMPAIRMENT OF A BODILY FUNCTION OF ANOTHER PERSON AND COMMITTING THIS OFFENSE WHEN THE PERSON WHO OPERATES THE VEHICLE ILLEGALLY CAUSES THE DEATH OF ANOTHER PERSON, TO PROVIDE PENALTIES FOR BOTH OFFENSES, AND TO PROVIDE THAT A CONVICTION UNDER THIS SECTION DOES NOT BAR A CONVICTION FOR ANOTHER OFFENSE FOR THE SAME UNLAWFUL ACT.

Referred to Committee on Judiciary

H. 3462 -- Reps. Umphlett, Bowen, Gilliard, Horne, Wylie and A. D. Young: A BILL TO AMEND SECTION 59-23-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOLS, SO AS TO PROVIDE THAT NEW CONSTRUCTION OF ELEMENTARY, MIDDLE, AND HIGH SCHOOL FACILITIES MUST COMPLY WITH SPECIFIED DESIGN AND ARCHITECTURAL REQUIREMENTS IMPOSED BY A COMMITTEE OF THE STATE DEPARTMENT OF EDUCATION, THAT THIS COMMITTEE SHALL CREATE THREE STANDARD ARCHITECTURAL PLANS FOR ELEMENTARY SCHOOLS, MIDDLE SCHOOLS, AND HIGH SCHOOLS TO WHICH ALL NEW CONSTRUCTION MUST COMPLY UNLESS PRIOR APPROVAL FOR ADAPTATION IS RECEIVED BY THE STATE DEPARTMENT OF EDUCATION, THAT STANDARD PLANS ARE THE PROPERTY OF THE STATE DEPARTMENT OF EDUCATION UPON ADOPTION, AND THAT A SCHOOL DISTRICT MAY NOT BE CHARGED FOR USE OF THE PLANS.

Referred to Committee on Education and Public Works

H. 3463 -- Reps. G. R. Smith and Bannister: A BILL TO AMEND SECTION 56-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HANDWRITTEN AND

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ELECTRONIC TRAFFIC TICKETS, SO AS TO DELETE THE PROVISIONS THAT REQUIRE ELECTRONIC TRAFFIC TICKETS TO BE PRINTED IN SPECIFIC COLORS.

On motion of Rep J. R. SMITH, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3464 -- Reps. Jennings, Cato, Nanney, Stringer and Wylie: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLL MANAGER REQUIRED TO BE A REGISTERED ELECTOR AND RESIDENT OF THE COUNTY IN WHICH HE IS ASSIGNED TO WORK, SO AS TO AUTHORIZE A POLL MANAGER TO WORK IN ANOTHER COUNTY AS LONG AS HE IS QUALIFIED.

Referred to Committee on Judiciary

### **HOUSE RESOLUTION**

The following was introduced:

H. 3446 -- Reps. Gilliard, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE CHARLESTON DEVELOPMENT ACADEMY PUBLIC CHARTER SCHOOL FOR ITS INSPIRING FIVE-YEAR JOURNEY TO SUCCESS AND FOR ITS NEWLY RELEASED DOCUMENTARY THAT CHRONICLES THE JOURNEY.

The Resolution was adopted.

[HJ]

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**HOUSE RESOLUTION**

The following was introduced:

H. 3447 -- Rep. Gilliard: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE CHARLESTON DEVELOPMENT ACADEMY PUBLIC CHARTER SCHOOL AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR FIVE-YEAR JOURNEY TO SUCCESS AND FOR THEIR NEWLY RELEASED DOCUMENTARY THAT CHRONICLES THE JOURNEY.

The Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**HOUSE RESOLUTION**

The following was introduced:

H. 3448 -- Reps. Bannister, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO COMMEND TRAVIS FORTSON, OF GREENVILLE COUNTY, FOR HIS COURAGE IN

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OVERCOMING INJURIES RECEIVED WHILE ATTEMPTING TO  
AID THE VICTIM OF A TRAFFIC ACCIDENT ON JULY 9, 2007.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3449 -- Reps. Govan, Alexander, Hutto, Jennings, Kelly, Rice and  
Whipper: A HOUSE RESOLUTION TO REVISE THE REPORTING  
DATE FROM JANUARY 13, 2009, TO MARCH 31, 2009, FOR THE  
TASK FORCE ON JUVENILE STATUS OFFENDERS  
ESTABLISHED BY H. 5089 OF 2008.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3450 -- Rep. Harrison: A CONCURRENT RESOLUTION  
REQUESTING ALL STATE AGENCIES WITH INVESTIGATIVE  
AUTHORITY UNDER THE OMNIBUS ADULT PROTECTION  
ACT TO SUBMIT INFORMATION OF SUBSTANTIATED CASES  
OR CRIMINAL CONVICTIONS FOR ABUSE, NEGLECT, AND  
EXPLOITATION OF VULNERABLE ADULTS TO THE STATE  
BUDGET AND CONTROL BOARD FOR COMPILATION AND  
PUBLICATION ON THE STATE'S WEBSITE.

The Concurrent Resolution was ordered referred to the Committee  
on Ways and Means.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3451 -- Reps. Chalk, Herbkersman, Erickson, Hodges, Agnew,  
Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine,  
Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers,  
Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown,  
Cato, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford,  
Daning, Delleney, Dillard, Duncan, Edge, Forrester, Frye, Funderburk,  
Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick,  
Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Hiott, Horne, Hosey,

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Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF JOHN CURRY, OF BEAUFORT COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

### ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly

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Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	J. M. Neal	Ott
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Rutherford	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Weeks
Whipper	White	Whitmire
Williams	Willis	Wylie
A. D. Young	T. R. Young	

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, February 5.

Jeffrey D. Duncan  
Denny Neilson

Joseph Neal

**Total Present--119**

**STATEMENTS OF ATTENDANCE**

Reps. HARRELL and EDGE signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Wednesday, February 4.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIOTT a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PARKS a leave of absence due to illness.

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**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert Livingston of Newberry was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 H. B. BROWN

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 ANDERSON

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 J. E. SMITH

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 MILLER

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**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 M. A. PITTS

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 TOOLE

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 HAYES

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 BALES

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 JENNINGS

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 HERBKERSMAN

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 VICK

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 RUTHERFORD



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**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 HART

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 SELLERS

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 MCLEOD

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 MOSS

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 HIOTT

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 ALEXANDER

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 GAMBRELL

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 BINGHAM

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**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 BRADY

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/05/09 SANDIFER

**CO-SPONSOR ADDED**

Bill Number: H. 3067  
Date: ADD:  
02/05/09 VIERS

**CO-SPONSOR ADDED**

Bill Number: H. 3140  
Date: ADD:  
02/05/09 HARRELL

**CO-SPONSOR ADDED**

Bill Number: H. 3147  
Date: ADD:  
02/05/09 GUNN

**CO-SPONSOR ADDED**

Bill Number: H. 3166  
Date: ADD:  
02/05/09 TOOLE

**CO-SPONSOR ADDED**

Bill Number: H. 3227  
Date: ADD:  
02/05/09 WYLIE

**CO-SPONSOR ADDED**

Bill Number: H. 3245  
Date: ADD:  
02/05/09 LOFTIS

**THURSDAY, FEBRUARY 5, 2009**

**CO-SPONSOR ADDED**

Bill Number: H. 3245  
Date: ADD:  
02/05/09 TOOLE

**CO-SPONSOR ADDED**

Bill Number: H. 3245  
Date: ADD:  
02/05/09 WYLIE

**CO-SPONSOR ADDED**

Bill Number: H. 3272  
Date: ADD:  
02/05/09 HARRISON

**CO-SPONSOR ADDED**

Bill Number: H. 3274  
Date: ADD:  
02/05/09 R. L. BROWN

**CO-SPONSOR ADDED**

Bill Number: H. 3275  
Date: ADD:  
02/05/09 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 3276  
Date: ADD:  
02/05/09 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 3278  
Date: ADD:  
02/05/09 DANING

**CO-SPONSOR ADDED**

Bill Number: H. 3279  
Date: ADD:  
02/05/09 DANING

**THURSDAY, FEBRUARY 5, 2009**

**CO-SPONSOR ADDED**

Bill Number: H. 3299  
Date: ADD:  
02/05/09 WEEKS

**CO-SPONSOR ADDED**

Bill Number: H. 3299  
Date: ADD:  
02/05/09 HORNE

**CO-SPONSOR ADDED**

Bill Number: H. 3352  
Date: ADD:  
02/05/09 WILLIS

**CO-SPONSOR ADDED**

Bill Number: H. 3352  
Date: ADD:  
02/05/09 NEILSON

**CO-SPONSOR ADDED**

Bill Number: H. 3364  
Date: ADD:  
02/05/09 VIERIS

**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 LONG

**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 STRINGER

**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 G. R. SMITH

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**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 HUGGINS

**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 NEILSON

**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 HUTTO

**CO-SPONSOR ADDED**

Bill Number: H. 3372  
Date: ADD:  
02/05/09 HART

**CO-SPONSOR ADDED**

Bill Number: H. 3424  
Date: ADD:  
02/05/09 WYLIE

**CO-SPONSOR ADDED**

Bill Number: H. 3418  
Date: ADD:  
02/05/09 CLEMMONS

**CO-SPONSOR ADDED**

Bill Number: H. 3442  
Date: ADD:  
02/05/09 RICE

**S. 235--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 235 -- Senator Rose: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES FOR DORCHESTER SCHOOL DISTRICT NO. 2 TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH

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NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS MAY ONLY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K-12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

Reps. A. YOUNG and HORNE proposed the following Amendment No. 1 (COUNCIL\MS\7175ZW09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. (A) The Board of Trustees for Dorchester School District No. 2 may impose an impact fee on any developer for each new residential dwelling unit constructed by the developer within the school district. The fees must be paid to Dorchester School District No. 2 or, pursuant to an agreement, to a county or municipality that pays the fees to Dorchester School District No. 2, prior to or at the issuance of a certificate of occupancy for a dwelling unit.

(B) Dorchester School District No. 2 must maintain the impact fee funds in a separate interest bearing account. All interest earned and accruing to the account shall become funds of the account and must be subject to all restrictions placed on the use of impact fees pursuant to the provisions of this article. Accounting records must be maintained for each category of system improvements for which the fee is collected.

(C) The Board of Trustees for Dorchester School District No. 2 may only appropriate funds from the account for:

(1) the construction, including preparation costs, of new public education facilities for grades K-12 within Dorchester School District No. 2; and

(2) the payment of principal and interest on existing or new bonds issued by Dorchester School District No. 2 for the construction of public education facilities for grades K-12.

(D) The impact fee may be offset by any other cash payment paid by the developer and obtained by Dorchester School District No. 2 as a

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result of an agreement between the developer and another governmental entity.

(E) The Board of Trustees of Dorchester School District No. 2 will re-examine the amount of an impact fee being charged a developer upon receipt of a notice of appeal from the developer. If the notice of appeal is accompanied by a letter of credit in a form satisfactory to the board of trustees in an amount equal to the amount of impact fees owed, the new residential development may receive its certificate of occupancy while the appeal is pending.

(F) For purposes of this section, 'dwelling unit' means all residential units, including, but not limited to, single-family attached, single-family detached, duplex, condominium, townhouse, multi-family, apartment, and mobile home, but excluding hotels and motels.

(G) The district's board of trustees shall set the impact fee at an amount not to exceed two thousand five hundred dollars per dwelling unit."

SECTION 2. This act takes effect upon approval by the Governor and applies to any new residential construction which has not been issued a certificate of occupancy. /

Renumber sections to conform.

Amend title to conform.

Rep. A. D. YOUNG explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

**S. 235--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. A. D. YOUNG, with unanimous consent, it was ordered that S. 235 be read the third time tomorrow.

**H. 3299--POINT OF ORDER**

The following Bill was taken up:

H. 3299 -- Reps. Sandifer, Harrell, Cato, Thompson, Bedingfield, Bingham, Brady, Gambrell, Harrison, Jennings, Mack, Mitchell, Cooper, Crawford, Alexander, Allison, Anthony, Bales, Bannister, Barfield, Bowers, G. A. Brown, Clemmons, Cobb-Hunter, Duncan, Gullick, Haley, Hayes, Herbkersman, Howard, Huggins, Limehouse,

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Littlejohn, Lowe, Miller, Ott, Owens, Pinson, M. A. Pitts, J. R. Smith, J. E. Smith, Spires, Toole, Umphlett, White, Anderson, Whitmire, T. R. Young, A. D. Young, H. B. Brown, Forrester, Weeks and Horne: A BILL TO AMEND SECTION 58-9-576, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTION BY AND DUTIES OF THE LOCAL EXCHANGE CARRIER AND ALTERNATIVE FORMS OF REGULATION, SO AS TO ENACT THE "CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009".

**POINT OF ORDER**

Rep. LITTLEJOHN made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3301--OBJECTIONS AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3301 -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J. R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Barfield, Battle, Bowers, Brady, G. A. Brown, H. B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Kelly, Kirsh, Knight, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E. H. Pitts, M. A. Pitts, Scott, Simrill, Skelton, D. C. Smith, G. R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON



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WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO REQUIRE THOSE APPLYING FOR LICENSES TO ENGAGE IN THE BUSINESS OF DEFERRED PRESENTMENT TO PROVIDE CERTAIN INFORMATION REGARDING EXTENDED PAYMENT PLANS; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED SIX HUNDRED DOLLARS.

Reps. COBB-HUNTER, CLYBURN, JEFFERSON, KING, HART, GUNN, J. H. NEAL, WEEKS and WILLIAMS objected to the Bill.

Reps. CATO, ALLISON, SKELTON, R. L. BROWN, LITTLEJOHN, CLEMMONS, MACK, TOOLE, BALLENTINE, SANDIFER, WHITE, MERRILL, BRADY, HODGES, FUNDERBURK, GAMBRELL, AGNEW, OTT, FORRESTER, PARKER, MILLER, BRANHAM and BINGHAM requested debate on the Bill.

#### **H. 3301--POINT OF ORDER**

Rep. COBB-HUNTER raised the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

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**H. 3301--POINT OF ORDER**

Rep. HART raised the Point of Order that Rep. COBB-HUNTER'S twenty-four hour Point of Order superseded all requests for debate or objections placed upon the Bill and that all requests for debate placed upon H. 3301 should be removed with the Bill retaining its place on the statewide uncontested calendar.

SPEAKER HARRELL stated that the required minimum of five House members had requested debate on the Bill before the twenty-four hour Point of Order was raised. He therefore overruled the Point of Order and stated that the Bill would be moved to the contested calendar.

**H. 3137--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3137 -- Reps. Harrison and Battle: A BILL TO AMEND SECTION 4-9-145, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LITTER CONTROL OFFICERS, SO AS TO PROVIDE THAT AN ANIMAL CONTROL OFFICER HAS THE SAME POWERS AND DUTIES AS A LITTER CONTROL OFFICER.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3153DW09), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 4-9-145(B) of the 1976 Code, as last amended by Act 109 of 2001, is further amended to read:

“(B)(1)The number of litter or animal control officers vested with custodial arrest authority who are appointed and commissioned pursuant to subsection (A) must not exceed the greater of:

(a) the number of officers appointed and commissioned by the county on July 1, 2001; or

(b) one officer for every twenty-five thousand persons in the county, based upon the 2000 census. Each county may appoint and commission at least one officer, without regard to the population of the county.

(2)(a) A litter or animal control officer appointed and commissioned pursuant to subsection (A) may exercise the power of arrest with respect to his primary duties of enforcement of litter or animal control laws and ordinances and other state and local laws and

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ordinances as may arise incidental to the enforcement of his primary duties only if the officer has been certified as a law enforcement officer pursuant to ~~Article 9, Chapter 6, Chapter 23~~, Title 23.

(b) In the absence of an arrest for a violation of the litter or animal control laws and ordinances, a litter or animal control officer authorized to exercise the power of arrest pursuant to subitem (a) may not stop a person or make an incidental arrest of a person for a violation of other state and local laws and ordinances.

(3) For purposes of this section, the phrase 'litter or animal control officer' means a code enforcement officer authorized to enforce litter or animal control laws and ordinances.'" /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

#### **H. 3137--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. KELLY, with unanimous consent, it was ordered that H. 3137 be read the third time tomorrow.

#### **H. 3067--POINT OF ORDER**

The following Bill was taken up:

H. 3067 -- Reps. Clemmons, Brady, M. A. Pitts, Merrill, Wylie, Bingham and Viers: A BILL TO AMEND SECTION 7-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7-13-320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

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**POINT OF ORDER**

Rep. CLEMMONS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3245--POINT OF ORDER**

The following Bill was taken up:

H. 3245 -- Reps. Delleney, Nanney, Simrill, G. R. Smith, G. M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J. R. Smith, Clemmons, Bedingfield, E. H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole and Wylie: A BILL TO AMEND SECTION 44-41-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

**POINT OF ORDER**

Rep. COBB-HUNTER made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

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**H. 3295--RECALLED FROM COMMITTEE ON EDUCATION  
AND PUBLIC WORKS**

On motion of Rep. WHITMIRE, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 3295 -- Reps. Hamilton, Allen, Bedingfield, Cato, Dillard, Nanney, Stringer and Wylie: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 8, 2009 BY THE STUDENTS OF PARIS ELEMENTARY SCHOOL, TAYLORS ELEMENTARY SCHOOL, AND SEVIER MIDDLE SCHOOL WHEN THE SCHOOLS WERE CLOSED DUE TO A POWER OUTAGE IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3056 from the Committee on Labor, Commerce and Industry.

Rep. SANDIFER objected.

**H. 3061--SENATE AMENDMENTS CONCURRED IN AND  
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3061 -- Rep. A. D. Young: A BILL TO DESIGNATE A CERTAIN PORTION OF DORCHESTER COUNTY AS COOSAW POINTE, AND TO REQUEST THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ERECT SIGNS INDICATING THIS AREA DESIGNATED AS COOSAW POINTE.

The yeas and nays were taken resulting as follows:

Yeas 3; Nays 0

Those who voted in the affirmative are:

Harrell

Horne

A. D. Young

**Total--3**

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Those who voted in the negative are:

**Total--0**

The Senate Amendments were concurred in and a message was ordered sent to the Senate accordingly.

**RECORD FOR VOTING**

I meant to vote "yea" on H. 3061, the local Dorchester County Bill.  
Rep. Patsy Knight

**H. 3370--ADOPTED**

The following House Resolution was taken up:

H. 3370 -- Reps. Clemmons, Barfield, Edge, Hardwick, Hearn and Viers: A HOUSE RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION RENAME PUNCH BOWL LANDING IN HORRY COUNTY AS THE J.T. AND AGNES BARFIELD LANDING.

The Resolution was adopted.

**H. 3274--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3274 -- Reps. Gilliard, Alexander, Brantley, Clyburn, Cobb-Hunter, Forrester, Govan, Gunn, Hosey, Howard, Hutto, Jefferson, Kirsh, Mack, Miller, Sottile, Stavrinakis, Whipper and R. L. Brown: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO APPROPRIATE THE FUNDS NECESSARY TO ALLOW THE STATE OF SOUTH CAROLINA AND THE CITY OF CHARLESTON TO COMPLETE THE SPRING STREET/FISHBURNE STREET/UNITED STATES HIGHWAY 17 DRAINAGE BASIN IMPROVEMENTS PROJECT LOCATED IN THE CITY OF CHARLESTON, SOUTH CAROLINA.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

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**H. 3338--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3338 -- Reps. King and Simrill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH CHERRY ROAD TO ITS INTERSECTION WITH HECKLE BOULEVARD "JUANITA GOGGINS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JUANITA GOGGINS HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 3349--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3349 -- Reps. Barfield, Hearn, Viers and Hardwick: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 501 IN HORRY COUNTY THAT RUNS THROUGH THE TOWN OF AYNOR THE "W. G. HUCKS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "W. G. HUCKS HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 3361--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3361 -- Rep. H. B. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 34 IN FAIRFIELD COUNTY ALONG INTERSTATE HIGHWAY 77 THE "SENATOR JOHN A. MARTIN INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "SENATOR JOHN A. MARTIN INTERCHANGE".

The Concurrent Resolution was adopted and sent to the Senate.

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**H. 3364--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3364 -- Reps. Merrill, Umphlett and Viers: A CONCURRENT RESOLUTION TO MEMORIALIZE BOTH THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO REFRAIN FROM LOCATING OR RELOCATING IN SOUTH CAROLINA INDIVIDUALS WHOM THE FEDERAL GOVERNMENT HAS CLASSIFIED AS "ENEMY COMBATANTS" OR OTHER SIMILAR TERM USED TO DESCRIBE A FOREIGN NATIONAL WHO IS SUSPECTED OF COMMITTING, CONSPIRING TO COMMIT, OR ATTEMPTING TO COMMIT AN ACT OF TERROR ON UNITED STATES SOIL OR ABROAD.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 257--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 257 -- Senators Knotts, Setzler, Shoopman, Rose, Bryant, Verdin, Grooms, Alexander, Davis, Cleary, Campsen, Fair, Campbell, S. Martin, Bright and Cromer: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DAVE REHBEIN, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 24, 2009.

Rep. RICE demanded the yeas and nays which were taken, resulting as follows:

Yeas 90; Nays 1

Those who voted in the affirmative are:

Allen	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	Barfield	Battle
Bingham	Bowen	Brady
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clyburn
Cole	Daning	Delleney

[HJ]



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Dillard	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick
Harrell	Harvin	Hayes
Hearn	Hodges	Horne
Huggins	Hutto	Jennings
Kelly	King	Kirsh
Knight	Limehouse	Littlejohn
Long	Lowe	Lucas
Mack	McEachern	McLeod
Miller	Millwood	Mitchell
Moss	Nanney	J. M. Neal
Neilson	Ott	Owens
Parker	Pinson	Rice
Simrill	Skelton	D. C. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Vick	Weeks
Whipper	White	Whitmire
Williams	A. D. Young	T. R. Young

**Total--90**

Those who voted in the negative are:  
Wylie

**Total--1**

The Concurrent Resolution was adopted and sent to the Senate.

**RECORD FOR VOTING**

I voted “nay” on S. 257. My vote was in no way a reflection of my admiration and support of the American Legion, but to make the point that in our current financial situation, we should be focused on the business of the budget and the State’s economy as opposed to gathering

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the entire legislative body together to attend a speech from any organization, unless it would have a direct bearing on the State's business.

Rep. Bill Wylie

Rep. RUTHERFORD moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 11:08 a.m. the House, in accordance with the motion of Rep. COBB-HUNTER, adjourned in memory of Austin Cunningham of Orangeburg, to meet at 10:00 a.m. tomorrow.

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H. 3042 .....	14, 15, 16, 17	H. 3424 .....	20
H. 3056 .....	28	H. 3442 .....	20
H. 3061 .....	28, 29	H. 3443 .....	2
H. 3067 .....	17, 26	H. 3444 .....	3
H. 3137 .....	25, 26	H. 3445 .....	4
H. 3140 .....	17	H. 3446 .....	9
H. 3147 .....	17	H. 3447 .....	10
H. 3166 .....	17	H. 3448 .....	10
H. 3222 .....	2	H. 3449 .....	11
H. 3227 .....	17	H. 3450 .....	11
H. 3245 .....	17, 18, 27	H. 3451 .....	11
H. 3272 .....	18	H. 3452 .....	4
H. 3274 .....	18, 29	H. 3453 .....	5
H. 3275 .....	18	H. 3454 .....	5
H. 3276 .....	18	H. 3455 .....	5
H. 3278 .....	18	H. 3456 .....	5
H. 3279 .....	18	H. 3457 .....	6
H. 3295 .....	28	H. 3458 .....	6
H. 3299 .....	19, 22	H. 3459 .....	7
H. 3301 .....	23, 24, 25	H. 3460 .....	7
H. 3338 .....	30	H. 3461 .....	7
H. 3349 .....	30	H. 3462 .....	8
H. 3352 .....	19	H. 3463 .....	8
H. 3361 .....	30	H. 3464 .....	9
H. 3364 .....	19, 31	H. 5089 .....	11
H. 3370 .....	29		
H. 3372 .....	19, 20	S. 235 .....	20, 22
H. 3418 .....	20	S. 257 .....	31, 32